

**MAR 16 2006****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT****ROBERT STRICKLAND, JR.,****Plaintiff - Appellant,****v.****SYLVIA GARCIA; et al.,****Defendants - Appellees.****No. 05-55181****D.C. No. CV-03-00022-LAB/POR****MEMORANDUM\***

**Appeal from the United States District Court  
for the Southern District of California  
Larry A. Burns, District Judge, Presiding**

**Submitted March 8, 2006\*\***

**Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.**

Robert Strickland, Jr., a California state prisoner, appeals pro se the district court's judgment in favor of defendants in his 42 U.S.C. § 1983 action alleging Eighth Amendment violations based on the denial of outdoor exercise. We have

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 28 U.S.C. § 1291. We review de novo the grant of summary judgment, *Morrison v. Hall*, 261 F.3d 896, 900 (9th Cir. 2001), and we affirm.

The district court properly granted summary judgment on Strickland's Eighth Amendment claim because Strickland failed to raise a triable issue of fact as to whether prison officials were deliberately indifferent to the conditions of his confinement. *See Farmer v. Brennan*, 411 U.S. 825, 834 (1994).

Strickland's motion to file oversized reply brief is granted. The Clerk shall file the reply brief received on July 29, 2005.

**AFFIRMED.**